



**Winston Hickox**  
Secretary for  
Environmental  
Protection



**Gray Davis**  
Governor

MINUTES OF  
REGULAR MEETING  
Thursday and Friday, October 23-24, 2003  
**REGIONAL WATER QUALITY CONTROL BOARD**

**Thursday, October 23, 2003, 12:10 p.m.**

Vice-Chairman Jeffrey Young called the meeting of the Central Coast Regional Water Quality Control Board to order at 12:10 p.m. on October 23, 2003, in the Multicultural Center, UCSB, Santa Barbara, California.

**1. Roll Call** ..... Executive Assistant Carol Hewitt

**Board Members Present:**

Chairman Bruce Daniels (*arrived at 12:20 pm*)  
Vice Chair Jeffrey Young  
Russell Jeffries  
John Hayashi (*recused from meeting*)  
Gary Shallcross

**Absent:**

Leslie Bowker  
Daniel Press  
Donald Villeneuve

**2. Introductions** ..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs announced that the Chair, Bruce Daniels, would be

arriving a little late due to slow traffic from an accident.

There were no speakers for the Public Forum.

**3. Agricultural Discharges** [Alison Jones 805/542-4646] ..... Workshop/Discussion

Alison Jones of Regional Board Staff presented proposed conditional waivers for discharges from irrigated agriculture. The proposed waivers were developed in response to revised Section 13269 of Porter-Cologne, which caused all existing waivers to sunset on January 1, 2003. The new waiver program would require all irrigated operations to develop and implement farm water quality management plans, complete 15 hours of water quality education, report management practice implementation and monitor water quality. The program would create two categories of waivers, with differential reporting and fees, depending on the extent to which the enrollee had already met the above listed requirements. Dischargers would have three years to fulfill all requirements.

Regional Board to assess impacts to beneficial uses, focus staff resources on areas of identified problems, ensure data quality and simplify data management.

Public comment was received from several individuals and representatives of Central Coast agricultural and environmental organizations:

Kris O'Connor of the Central Coast Vineyard Team spoke in support of using their program for compliance. The Positive Point System evaluates practices in vineyards and could be used to meet farm planning and education requirements. She also mentioned that they had a Spanish translation of the Positive Point System and offered tailgate classes in Spanish.

Karen Worcester of Regional Board Staff presented a proposed approach to monitoring agricultural areas. Individual monitoring of discharges is an option, but Regional Board Staff believes there are many compelling reasons to have a single entity monitor in-stream water quality in agricultural areas rather than requiring approximately 2500 individual dischargers to monitor their own discharges. In-stream monitoring of a network of sites by a single entity would allow the

George Adam of A & A Farming stated that some operations had already reduced or eliminated tailwater and were using drip irrigation and questioned whether they should have to be part of bringing everyone else up to speed. He supported targeting problem areas and being specific with monitoring.

Kevin Merrill, representing the Central Coast Wine Growers' Association and Santa Barbara Watershed Coalition, expressed concern over costs of regulatory programs and monitoring, supported the process staff has set up, but feels that more work is needed on monitoring requirements to ensure that water quality protection is cost-effective.

Steve Siri, the Santa Barbara County Farm Bureau representative on the Agricultural Advisory Panel, stated that more review was needed before the Santa Barbara Farm Bureau took a position on the proposal. He said that growers see a lot of regulations coming and requested that the Board not put a broad brush on everyone.

Monterey Bay National Marine Sanctuary was represented by Katie Siegler, also an Advisory Panel member, who expressed support for the proposal and appreciation of staff's responsiveness to the Panel's input. She stated that incentives should be provided for growers.

Dawn Mathes, representing the Central Coast Coalition of County Farm Bureaus and a member of the Agricultural Advisory Panel, requested extra time since she represented six organizations, and that was granted. She stated that the Coalition was submitting written comments about why the waiver will undermine their voluntary program. She read a letter from the San Francisco Regional Board saying they will not adopt a new waiver or WDRs for agricultural discharges and asked if this Board, which signed an MOU with the Sanctuary, intended to meet its commitment to voluntary compliance. She also stated that they do not support regionwide monitoring because growers need immediate feedback and want a finer level of monitoring.

Darline Dinn spoke for the Central Coast Ag Task Force (Monterey County Vintners and Growers, Grower Shipper Association, Monterey County Cattlemens' Association, Monterey County Farm Bureau, San Benito County Farm Bureau, and Santa Cruz County Farm Bureau), and expressed concerns about cost-benefit, how the program will be implemented and what the result will be. An unintended outcome will be that small family farms will become consolidated corporations because they can't afford the requirements.

Eric Cardenas of the Environmental Defense Center and an Advisory Panel member, thanked staff and stated that the proposal is going in the right direction, but was concerned about lack of resources and said

specifics still needed to be worked out regarding monitoring and how to respond to "flags".

Kaitilin Gaffney of the Ocean Conservancy and an Advisory Panel member said a benefit of the process was learning the need to find what is workable. She stated a concern about the time frame and a need for building in milestones and feedback to see that we are moving to meeting objectives.

Miranda Leonard of Environmental Center of San Luis Obispo, a new Advisory Panel member, requested measurable timelines, load reductions and progress toward water quality objectives.

Kathleen Thomasberg from Monterey County Water Resources Agency (MCWRA), which convenes the Agricultural Water Advisory Committee (AWAC), presented taped letters from four growers. Benny Jefferson, chair of AWAC and Advisory Panel member, stated that monitoring should build on existing groups and be at the subwatershed level. He also said the Regional Board should review existing groundwater data before asking growers to monitor groundwater and should keep a separate tier for those with social and economic limitations. Dirk Gianini asked how growers who have stopped discharges by using tailwater return and drip systems could obtain a certificate of no discharge. Bob Martin, President of Monterey County Farm Bureau and Advisory Panel member, expressed concern about the large scale of monitoring being proposed and questioned whether it is ethical to charge growers for monitoring if they are not discharging. He stated there should be options for those with no tailwater and minimal stormwater. Sam MacKenzie asked when will water quality monitoring show a response to BMPs, and said that wells in Salinas Valley have been monitored for years. Ms. Thomasberg stated that she manages the groundwater extraction program for MCWRA. They review well standards and have a network of 1,755 wells. Of 400 wells monitored for water quality more than 100 show nitrate over the drinking water standard. This information goes back to growers.

Traci Roberts, the Water Quality Program Coordinator for Monterey County Farm Bureau thanked staff for the process and stated that 150 farmers who have formed watershed working groups, committed to voluntary stewardship, are wondering if the effort has been wasted. She supports a local monitoring option with focus on irrigation tailwater, not stormwater or groundwater.

Drew Bohan from Santa Barbara Channel Keeper and Advisory Panel member, thanked staff for the process. He stated that perhaps focus should be on penalizing bad apples rather than having all jump through hoops, and that the big issue is monitoring and accountability. We already know where problems are, so regionwide monitoring may not get us much. What is the enforcement trigger?

San Luis County Farm Bureau representative Joy Fitzhugh, also an Advisory Panel member, expressed concerns about cost to maintain short courses, monitoring, and fees. She said a letter had been sent expressing a need to reward those who are proactive and encourage others to participate. Monitoring should be local and provide fast turnaround.

Tony Francois of the California Farm Bureau Federation asked if this was pulling incentive out from local voluntary efforts and suggested that Sanctuary participants be covered as a separate category. He stated that the structure of the waiver, outside of the Sanctuary, is sound and expressed appreciation for staff's efforts. He also stated that coordination with the State's NPS Plan is necessary.

The Board members discussed the need to take time with the development of the program and consider having other categories, such as for Sanctuary participants, organic operations, operations that have no discharges, etc. One monitoring program may not fit all operations, nor does one waiver; tiers are needed. The Board decided to hold another workshop in the Salinas area before taking action on this item. Staff will follow up with possible dates for a second workshop.

**6. Manzanita Wetlands Treatment Project Tour, 3:45 p.m. .... Status Report/Field Trip**

The Board members, staff, and several public members participated on a walking tour of a wetlands stormwater treatment project on the UCSB campus.

**Friday, October 24, 2003, 8:40 a.m.**

Chairman Bruce Daniels called the meeting of the Central Coast Regional Water Quality Control Board to order at 8:40 a.m. on October 24, 2003, in the Santa Barbara County Supervisors Board Hearing Room, 105 East Anapamu Street – 4<sup>th</sup> Floor, Santa Barbara, California.

**7. Roll Call ..... Executive Assistant Carol Hewitt**

**Board Members Present:**

Chairman Bruce Daniels  
Vice Chair Jeffrey Young  
Leslie Bowker  
John Hayashi  
Russell Jeffries  
Daniel Press  
Gary Shallcross  
Donald Villeneuve

Chair Daniels announced the resignation of Board member Marco Rizzo and read a letter that Mr. Rizzo submitted to the Board. Mr. Rizzo enjoyed being a member of the Board during his tenure.

**8. Introductions** ..... Executive Officer Roger Briggs

Executive Officer Roger Briggs introduced staff and asked all interested parties who wished to comment to fill out testimony cards and submit them. Mr. Briggs announced that Mr. Gary Carlton, State Board Liaison,

is able to attend the meeting today and yesterday's meeting. Mr. Briggs noted the following items for Supplemental Sheets: Items 12, 14, 16, 19, 21, 22, 24, 28, and 35.

**9. Approval of Minutes for September 12, 2003 Meeting** ..... Board Motion

**MOTION: Russell Jeffries moved to approve the September 12, 2003 minutes. SECONDED by John Hayashi. CARRIED – Unanimously (7-0)** Note: Donald Villeneuve abstained since he was not present at the September 12, 2003 Board meeting.

**10. Resolution for Jennifer Soloway, Staff Counsel** ..... Resolution No. 2003-0136

Chair Daniels read a portion of the resolution for Jennifer Soloway, Staff Counsel. Ms. Soloway is retiring from the State Board. The Board expressed their appreciation and wished Ms. Soloway well in her

retirement. Ms. Soloway feels honored and privileged to have worked with our Regional Board through three administrations for fifteen years. Ms. Soloway was presented with a beautiful bouquet of flowers.

**11. Report by State Water Resources Control Board Liaison** ..... Status Report

State Board Liaison, Gary Carlton, provided a summary on recent legislation and its potential effects on State and Regional Boards.

**12. Public Forum** ..... Board Direction

The following individuals spoke:

- Ross Hubbard, City of Pacific Grove, gave a presentation on the city's sewage collection system. Environmental protection is a major goal of the City. In the year 2000 Pacific Grove had a major sewage spill of 75,000 gallons. Following that event, the City put several programs into place. (First Response Program, Grease Control Program, Sewer Crew Cleaning Program, Lateral Replacement Program, and Major Capital

Program). An Asset Management Plan is currently being developed to carry the City through the next ten years.

- Roger Dolan, Consultant to the City of Pacific Grove, discussed flow, the wet weather season, and pipe capacity.

**13. Uncontested Items Calendar** ..... Board Motion

Executive Officer Briggs noted that Item Nos. 21 and 22 had supplemental sheets in response to questions and recommended that they be pulled off of the calendar. Item Nos. 20, 26, and 27 are proposed for the

consent calendar. Approval of the consent calendar is recommended.

**MOTION: Russell Jeffries moved to approve the proposed consent calendar. SECONDED by Jeffrey Young. CARRIED – Unanimously (8-0)**

**14. Low Threat and General Discharge Cases** ..... Information/Discussion/Board Approval

Board member Jeffrey Young asked why winery facilities, specifically Kendall-Jackson's mobile field press operation, were covered under the General Waiver of Waste Discharge Requirements item rather than under the General Waste Discharge Requirements for Wineries/Small Winery Waiver. John Robertson, supervisor of the Southern Watershed unit for the Regional Board, explained that the Small Winery

Waiver, as defined in the General Waste Discharge Requirements for Wineries, precisely defined small winery in terms of case production, tons of grapes crushed, or gallons of wine produced. Wineries larger than the small winery definition, or in the case of the Kendall Jackson mobile field press operation

specifically, varied from that small winery definition, were covered under the general waiver because it was felt that this waiver was more appropriate and flexible to accommodate different or larger operations such as those in the October agenda.

Mr. Young asked what the numbers were regionwide with regard to the percentage of wineries that had submitted applications for coverage under the General Waste Discharge Requirements for Wineries. Mr. Robertson stated he did not have those figures, but that they would be provided for the Board at a future meeting.

**15. Perchlorate Cases** ..... Status Reports

Senior Engineer Harvey Packard introduced the item by reviewing Santa Clara Valley Water District's July 3, 2003 map of perchlorate detections. Mr. Packard stated that Olin had submitted two reports since the last meeting: the 45% design report for the on-site groundwater extraction system and the workplan to investigate perchlorate detections in groundwater northeast of the Olin facility.

Mr. Packard said the Board expects to receive two more reports soon, which are the 90% design report for groundwater extraction and the third quarter 2003 groundwater monitoring report.

Chair Daniels asked how staff was planning to respond to the new legislative changes to the water code clarifying the authority of regional boards to require replacement water when groundwater supplies are contaminated. Mr. Packard responded that staff is planning to meet soon with Olin to discuss replacement water issues and a potential cleanup or abatement order.

Board Member Press asked about the status of soil cleanup at the Olin facility. Mr. Packard stated that Olin will submit a study evaluating soil cleanup options in November.

**16. MTBE Cases** ..... Status Reports

Mr. Briggs mentioned that there was a supplemental sheet discussing a letter from Greg Berge regarding water supplies in Cambria.

Board members asked about the ongoing efforts regarding California Water Services Company's impacted well sites and if Regional Board staff have found the source of MTBE. Engineering Geologist, Burton Chadwick updated the written agenda material with the following findings: (1) the Shell station has detected elevated concentrations of MTBE in

groundwater (whether they are the source has not been established), (2) the Beacon station's sampling results appear to indicate they have not contributed to groundwater impacts, (3) the sampling results are still pending for the Amerigas station. In addition, a car wash in the area has recently been identified as having gasoline dispensing operations and Regional Board staff has sent them a directive to investigate the subsurface for impacts. Regional Board staff confirmed that these sites are all located close together on North Main Street.

**17. Santa Barbara County UST Cases [Sheila Soderberg 805/549-3592].....Status Reports**

Mr. Tom Rejzek, Registered Geologist with the Santa Barbara County Fire Protection Division (Santa Barbara Fire), provided an overview of the cleanup progress at five high priority, Rank A MTBE UST cases under Santa Barbara Fire oversight. Mr. Rejzek summarized historic site assessment and remedial progress for two cases located at 4570 Hollister Road and 1298 Coast Village Road in Santa Barbara, and three cases in Carpinteria located at 4290 Via Real, 4401 Via Real, and 4410 Via Real. For all five sites, Mr. Rejzek indicated that the MTBE plume in groundwater was defined and the site was in remediation.

Ms. Kate Sulka, Supervising Hazardous Materials Specialist for Santa Barbara Fire, answered Regional Board members' questions pertaining to the Regionwide MTBE Listing and High Priority Sites list.

Overall, the Regional Board expressed concern that the Regionwide MTBE Listing and High Priority Sites list included outdated or incorrect information for cases under Santa Barbara Fire oversight. The Regional Board indicated that it was difficult for it to determine if the list

was inaccurate due to Geotracker data base entry errors or whether Santa Barbara County oversight of the UST program was at fault.

The Executive Officer stated that the use of Geotracker is required as part of Santa Barbara Fire's UST program oversight.

The Regional Board directed Regional Board staff to fax a draft copy of the Regionwide MTBE Case status list to Santa Barbara Fire for review prior to finalizing the Regional Board staff report. The expectation is that Santa Barbara County Fire will correct any inaccuracies shown on the list in the Geotracker database. After Santa Barbara Fire updates the database, Regional Board staff will print out a revised list, which will be included as an attachment for the MTBE Case Status staff report for the December 5, 2003, Regional Board meeting.

**18. Corrective Action Plan Approvals.....Status Report**

A written report was submitted.

*(Chair Daniels announced a break at 10:22 a.m. The meeting reconvened at 10:35 a.m.)*

**19. San Luis Obispo CSA #18, Country Club, San Luis Obispo County .....Order Nos. 2003-0004 & 0005 [Sorrel Marks 805/549-3695]**

Regional Board staff member, Sorrel Marks, presented Recycled Water Requirements Order Nos. R3-2003-0004 and 0005 for San Luis Obispo County Service Area No. 18 and San Luis Obispo Golf and Country Club (producer and user of recycled water respectively). Ms. Marks described the producer's and user's facilities and the reasons for updating the existing requirements, to address State Board Order WQ-2000-07. Additional discussion and amended language for findings in the proposed Orders was presented in a Supplemental Staff Report, along with a late comment letter and staff's responses to those comments.

Christine Ferrara, San Luis Obispo County Utilities Division Manager (representing CSA No. 18) described the County's commitment and efforts to minimize salts introduced into the collection and treatment system. Ms. Ferrara stated that even after implementing best management practices for minimizing salts in the wastewater system, the proposed effluent salts limits (TDS, Na and Cl) are not achievable. Ms. Ferrara concluded by requesting that the effluent salts limits be eliminated from the proposed Order.

Regional Board members and Executive Officer Roger Briggs entered into discussion of proposed incremental effluent salts limits (a specified increment above water supply concentration) and conclusions of the Dischargers' hydrogeologic study.

Mr. Briggs suggested consideration of effluent salts limits increased by 20% above the incremental limits currently in place (based upon three-year average).

The increased salts limits would have the benefit of: a) allowing the discharger to operate within specified limits providing salts minimization efforts are continued; b) providing incentive to continue salts minimization limits; and c) providing for a conservative approach (limiting salts loading) in the event salts discharged eventually migrate into ground water.

**MOTION: Daniel Press moved to adopt the proposed Order Nos. 2003-0004 and 0005 with the modified findings described in the supplemental staff report and Effluent TDS, Sodium and Chloride limits increased by 20% above those specified in the agenda package. SECONDED by Donald Villeneuve. CARRIED - (7-1) John Hayashi voted no.**

**21. City of San Luis Obispo Reclamation Facility, San Luis Obispo County ..... Order No. 2003-081**  
[Scott Phillips 805/549-3550]

Following brief discussion the Board adopted the Order.

**MOTION: Les Bowker moved to adopt Order No. 2003-081. SECONDED by Daniel Press. CARRIED – Unanimously (8-0)**

**22. Fiero Lane Water Company, San Luis Obispo County ..... Order No. 2003-039**  
[Scott Phillips 805/549-3550]

Following brief discussion the Board adopted the Order.

**MOTION: Gary Shallcross moved to adopt Order No. 2003-039. SECONDED by Russell Jeffries. CARRIED – Unanimously (8-0)**

**23. Enforcement Report ..... Status Report**

Sarah Christie, ECOSLO/Sierra Club/Creston resident, raised concerns about Regional Board staff's decision to rescind an Administrative Civil Liability Complaint for the Kelegian property for earthwork that caused excessive sediment deposition to Huer Huero Creek tributaries. The owners should have been held accountable for poor land management practices that resulted in excessive sediment pollution. Ms. Christie also provided information that the property is a bona fide construction site, and not an agriculture property as the property owners claimed. As such, the property should have remained subject to the General Construction Storm Water Permit, and should be held to the standards of the Permit.

Joy Fitzhugh, San Luis Obispo Farm Bureau, also expressed concern that quasi-agriculturalists were using agriculture grading exemption ordinances for non-agricultural purposes, in an effort to escape the General Construction Storm Water Permit requirements.

Following a brief discussion, the Board instructed staff to investigate the facts of the Kelegian property case and determine whether or not the site is a construction site. Following that determination, the Regional Board asked that staff make an appropriate enforcement recommendation. Additionally, the Regional Board asked for legal guidance regarding enforcement on sites that do not fall in the General Construction Storm Water Permit category.

**25. Centex Homes, Riverglen Drive, Paso Robles, San Luis Obispo County ..... Order No. 2003-0085**  
[Ryan Lodge 805/542-4642]

Staff member Brad Hagemann summarized the proposed Stipulated Order and briefly explained how staff and the Discharger had worked out the agreement. Staff recommended adoption of the proposed Order No. R3-2003-0085.

**Motion: Gary Shallcross moved to adopt Order No. 2003-0085. SECONDED by Leslie Bowker CARRIED- Unanimously (8-0)**

*(Chair Daniels announced a break for closed session and lunch at 12:40 p.m. The meeting reconvened at 1:22 p.m.)*

**28. Watershed Coordinator Position for Southern San Luis Obispo and Santa Barbara County [Julia Dyer 805/594-6144] ..... Status Report/Update**

This is an informational item only. The first portion of the item is public comment.

Richard Quandt of the San Luis Obispo and Santa Barbara County Grower-Shipper Vegetable Association informed the board that the Coalition has been meeting frequently to finalize the support documents for the coordinator and reiterated his organization's commitment to the project.

Ken Doty, President of the Santa Barbara County Farm Bureau said that his group is on board for the project to proceed.

Kevin Merrill, Chairman of the coalition and representative of the Central Coast Wine Growers

Association emphasized agriculture's desire to have clean water. He then mentioned that the coalition is in the final stages of developing a Scope of Work, Budget, Memorandum of Understanding, and a separate bank account for managing the coordinator's funds.

June Van Wingerden from the Flower and Nursery Growers Association of Santa Barbara County expressed support for the coordinator position.

No comments from the board.

Chairman Bruce Daniels praised the group for the good job they have been doing.

**29. Collection System Maintenance, Renovation, and Replacement Program for the City of Santa Barbara, Santa Barbara County ..... Informational Item**  
[Mike Higgins 805/542-4649]

Regional Board staff member, Michael Higgins, described the City's collection system maintenance, repair, and renovation program as adequate to continue protecting the beneficial uses of the creeks and ocean within the City's service area. He introduced the City's Water Resources Manager Bob Roebuck who introduced Manuel Romero who provided the City's presentation within the 15-minute time allotted by the Board Chairman. The presentation described the City's existing program and planning for future actions, which include an Infiltration/Inflow study, development of a hydrology model, and slip-lining 32,000 feet of aging sewer.

Mr. Drew Bohan of Channelkeeper addressed the Board. He alleged the City does not report all spills. Keith Zandona, former President of the local Surfriders, urged the Board to require the City to more aggressively reduce sewer spills. Three residents of the Spring Street area addressed the Board, reporting frequent sewage spills, which also suffers storm sewer overflows. Mr. Roebuck explained the City responds to all spills reported to them, and reports all spills to the Regional Board in accordance with the Board's policy. (Board policy is for all spills greater than 100 gallons or any spill entering a surface water to be reported to the Board. The City reports any spill greater than 50 gallons or any spill that enters surface water. The City internally tracks



all spills.) Mr. Roebuck stated the City is planning to address the Spring Street problem as resources permit. The Board Chairman encouraged the City to address the

problem areas, including Spring Street, in a timely manner. The Regional Board directed staff to report to them on the progress of Inflow and Infiltration study as well as measures to correct identified problems.

**30. Channel Islands National Marine Sanctuary, Santa Barbara County ..... Informational Item**  
[Julia Dyer 805/594-6144]

This was an informational item only. The first portion of the item was a presentation from Sarah MacWilliams, Management Plan Specialist from the Channel Islands National Marine Sanctuary (CINMS) staff. Miss MacWilliams gave a slide presentation that described the sanctuary system with the federal government, the location and boundaries of the CINMS, and the administrative framework. She then dedicated the second half of the presentation to the sanctuary efforts toward water quality, which includes research, monitoring, education, outreach, emergency response planning, and partnerships.

Executive Officer Roger Briggs asked how the CINMS coordinates with regulatory agencies to enforce laws that protect the sanctuary's resources.

Miss MacWilliams stated that any suspicious activities are reported to the authorities.

Chairman Daniels asked about which laws are used to establish marine protected areas. There is a state and federal environmental review process for this, the CINMS has all ready completed the state review and is in the process of completing the federal.

Donald Villeneuve asked about the possibility of extending the boundaries to include sensitive areas.

The Farlon and Monterey Bay National Marine Sanctuaries are exploring their options together regarding this topic. This has also been discussed at the CINM Sanctuary Advisory Committee. Sanctuary staff is exploring this option but, they need more information and the preparation of an Environmental Impact Report.

**31. Ballard Canyon Road Closed Landfill, Santa Barbara County ..... Status Report**

Senior Water Resource Control Engineer, Michael LeBrun provided the Regional Board a status report prepared by Water Resources Control Engineer Hector Hernandez, project manager for the Ballard Canyon Landfill site. The purpose of the status report was to update the Regional Board on significant progress made at the landfill site. Specifically, the Regional Board was updated on the construction completion of a final cover system. The status report also summarized the status of other corrective action measures including the operation of a gas collection and removal system and the planned operation of a groundwater pump and treat, and re-injection system.

Chair Daniels pointed out that some of the constituent concentrations, as shown in Table 1 of the status report, appear to be increasing. This data is contrary to the explanations provided in the text summary of the status report.

Michael LeBrun mentioned that while some of the constituent concentrations do appear to be increasing, the overall trend in groundwater concentrations appears to be decreasing. Some of the constituents that are shown to be increasing in concentrations are degradation products of other constituents that are shown to be decreasing. Additionally, the increases depicted in Table 1 are not considered significant and are still very low.

**32. Santa Maria Landfill, Santa Barbara County ..... Status Report**

A written report was submitted.

**33. Tajiguas Landfill, Santa Barbara County ..... Status Report**

Senior Water Resource Control Engineer, Michael LeBrun provided the Regional Board a status report prepared by Water Resources Control Engineer Hector

Hernandez, project manager for the Tajiguas Class III Landfill site. The status report provides a detailed

update on site progress, and an update on compliance with Order No. R3-2003-0011.

Vice Chair Young asked why it has taken the County so long to prepare and submit a groundwater-monitoring plan.

Mr. Michael LeBrun indicated that the existing WDRs require the County to provide a monitoring plan by November 21, 2003. Staff has been working closely with County staff to develop an acceptable Monitoring Plan. We anticipate a proposed Monitoring Plan will be

submitted by the November 21, 2003 deadline. We expect groundwater-monitoring wells will be installed sometime during the spring of 2004.

Regional Board staff will provide the Regional Board another update concerning the County's proposed monitoring plan as soon as it is approved.

Ms. Hillary Hauser (Heal the Ocean): requested that the County's Leachate Plan must address the groundwater monitoring problems at the landfill and must dovetail the groundwater monitoring program. Ms. Hauser also requested additional bacteria monitoring of Pila Creek and the Ocean during storm events.

**34. Reports by Regional Board Members..... Status Report**

Russell Jeffries reported on his attendance at the Monterey Bay National Marine Sanctuary Advisory Council Meeting

**35. Executive Officer's Report..... Information/Discussion**

Executive Officer Briggs deferred the Executive Officer's Report until a later time so Item #24 could be addressed.

*(Chair Daniels announced a break at 3:05 p.m. The meeting reconvened at 3:10 p.m.)*

**24. California Department of Transportation, Hwy 101 & 156 Interchange (Prunedale)..... Order No. 2003-0078**  
[Donette Dunaway 805/549-3698]

Staff Engineering Geologist Donette Dunaway presented the item by giving an overview of the site geography, and providing evidence for the primary allegations of the Complaint. Primary allegation #1 was that erosion control was ineffective during the rainy season at the construction site. Allegation #1 was evidenced by photos showing rill erosion along the slopes and basin bottoms, and by the fact that the Discharger relied upon a non-approved erosion control technique called "trackwalking" on "non-active" site slopes, and had no erosion control on "active" portions of the site until a December rainstorm.

Primary allegation #2 was that the site's sediment control initially depended upon non-engineered basins, which must be sized to contain expected flows. Allegation #2 was evidenced by the Discharger's failure

to provide evidence that basins had been sized, by the Discharger's (Jennifer O'Neal) testimony that the basins shown in the Discharger's site map were not based on any calculated size, by observations that the basins did not have means of dewatering as required by the Storm Water Management Plan (SWMP) and the Permit, by observations of the basins superficially overflowing into Prunedale Creek, and by the fact that the Discharger decided to cut a hole into the culvert containing Prunedale Creek in order to relieve flooding in one of the site's basins without filtering the sediment-laden discharge water. The Discharger installed Baker Tanks as a sediment treatment in January (well after the on-set of the rainy season), however, the Baker tanks were only marginally effective at removing sediment until a flocculant and filtration device was installed in conjunction with the tanks in March, 2003.

Primary allegation #3 was that a hole was cut into Prunedale Creek culvert, resulting in a deliberate release of sediment-laden water into the creek without sediment filtration devices. This allegation was not denied by the Discharger. The Complaint alleged that the hole in the above described culvert was inadequately repaired, thus allowing sediment-laden water to continue discharge without sediment filtration.

Finally, staff alleged that these sediment discharges to Prunedale Creek could have been minimized or avoided with proper planning of erosion control, sediment filtration, and basin dewatering methods.

R. Gregg Albright, Caltrans District 5 Director, conveyed Caltrans' commitment to protecting water quality.

Dan Weingarten, Caltrans attorney, cross-examined Donette Dunaway. The focus of his questions were on whether the "Guidelines" (referring to the Appendix D of the Statewide Storm Water Management Plan (SWMP), Quality Practice Guidelines) were reviewed by Regional Board staff (Staff), and whether these Guidelines had been applied to the site.

Jennifer O'Neal, Caltrans Storm Water Coordinator, gave a presentation that outlined the events leading to the hole being cut in Prunedale Creek culvert. These events included Caltrans blocking and/or crushing a 900mm lateral storm drain culvert on November 5, 2002, which caused the culvert inlets to overflow onto Highway 101 during a rain event November 8, 2002.

Ms. O'Neal explained that the SWMP distinguishes between "active" and "non-active" soil areas, and that soil stabilization (erosion control), sediment detention BMPs, or desilting basins are not required by the SWMP in "active" areas. She identified track walking and "duff" (topsoil with native seed) application as the erosion control method in non-active areas. Ms. O'Neal stated that the site contained desilting basins, which are required by the SWMP to contain 100 cubic meters of storage per hectare of contributory area. She was not aware whether these calculations had been applied. She also stated that each basin had a negative invert (sloped away from the outlet), had structural outlets, and had sediment check dams. She stated that Caltrans only has to dewater a site after a significant rain event.

Ms. O'Neal concluded by saying that Caltrans was implementing Best Conventional Technology Best Management Practices (BAT/BMP) that were in the

SWMP. She said that some of the sediment basins, silt fences were overwhelmed during a five to seven inch rainfall over two days. Caltrans had no way of knowing that the BMPs, including basins, sediment and erosion controls, would not work until after a rain event.

Board members questioned why the pipe blockage was not investigated immediately upon hitting the pipe on November 5, 2002 (prior to the rains on November 8, 2002).

Board members wanted to know if the Baker Tanks were designed or size properly to address the sediment-water detention time needed to settle out the sediment. Caltrans responded that they ordered the largest Baker Tanks available. Regional Board staff testified that the initial Baker tank was unable to remove all of the sediment from the discharge water, and sediment-laden water continued to discharge to Prunedale Creek in January, 2003. A flocculant and filtration system was added to the Baker Tank system in March, 2003 (after the ACL investigation period) to remove all of the sediment from discharge water.

Board members questioned why track walking was used when it was not on the SWMP-approved list of erosion control methods.

Board members raised doubts about the rainfall amount (7 inches/day) Caltrans claimed had caused an extraordinary situation of runoff, presumably contributing to the basins overflowing. Regional Board staff quoted rainfall of 2.19 inches for the entire month of December, 2002 (Salinas NOAA weather station). Board members asked what size watershed was used to calculate the basins' size, and whether the basins' size had been calculated to contain the runoff. Jennifer O'Neal was not aware of the calculations. Donette Dunaway provided segments from the Site's Storm Water Pollution Prevention Plan that showed a map, and contributing watershed size of 18.26 km<sup>2</sup>, and an expected rainfall intensity that exceeded that of the December rainfall as measured at the Salinas weather station.

Closing statements were not made. The Board stated that there had been a mass of conflicting testimony, and requested that Caltrans and Regional Board staff provide stipulated facts, and try to reach an agreement. Staff was directed to report back to the Board on the issue in December.

Chair Daniels adjourned the public meeting at 6:40 p.m.

The meeting was audio recorded and the minutes were reviewed by management, and approved by the Board at its December 5, 2003 meeting in San Luis Obispo, California.

A handwritten signature in dark ink, appearing to read "Bruce Daniels", is written over a horizontal line.

Bruce Daniels, Chair

H/ALLMYDOCS/BOARD MINUTES/OCT03mins/carol